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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of January – 2025 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

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Reynolds v. Shelton, No. 24-1363, 2024 WL 4524123, October 18, 2024.

THE CASE: Jessie Leonard fled from the police. Officers located Leonard and approached her. When Leonard disobeyed the Officers and attempted to draw a firearm from her waistband, the Officers shot her dead. Could the Officers be held liable for using excessive force?

FACTS: Officer A encountered Jessie Leonard when he observed a red Honda Pilot drifting into other lanes. The Officer attempted to stop the car, but the driver did not pull over. He then described the car, its driver, and the license plate number to the department's central control. Later that day, Officer B saw the same red Honda Pilot parked in front of a house. After confirming that the license plate matched the one on the car that Officer A attempted to stop, he requested a tow truck to impound the car. At this time, Officer B saw Leonard, who was sitting on the house's front porch, remove a gun from her purse and place it in her waistband. As the car was towed, Officer B approached Leonard and asked her if she knew who owned the car. Leonard denied knowing the owner of the car.

Eventually, three additional officers arrived at the scene to investigate. First, Officers C and D arrived, and Officer B told them that Leonard had a gun in her waistband. Then, Officer B spoke to a neighbor. The neighbor told him that Leonard drove the red Honda Pilot to the property about an hour earlier, took off the license plate, and removed things from the car. Two Officers then saw Leonard drinking alcohol and acting "erratically." Next, Officer A came to the house to see whether Leonard was the driver that evaded him earlier. When Officer A arrived, he told Officer B that Leonard looked like the woman who fled from him earlier, but he needed a closer look. Officer A warned Officer B that Leonard had a gun. The four officers then approached Leonard from different directions, including the front lawn, to block her path in case she tried to flee again.

Over approximately ten seconds, the officers approached, and Leonard became uncooperative. When Officer A, who was crossing the front lawn, asked "Hey, how ya doing?" and said he wanted to talk to her, she replied, "I don't care. Don't come no closer." She lifted her shirt and reached into her waistband where she had placed the gun. The Officers drew their weapons and ordered Leonard to freeze: Officer A said, "Don't you dare fucking touch it"; Officer C said, "Do not"; Officer B said, "Don't you do it." Despite the orders, Leonard started to remove the gun from her waistband. All four officers shot at Leonard, and she was struck by seven bullets. The Officers immediately rendered emergency medical aid, but Leonard was pronounced dead at the scene.

Leonard's estate brought this § 1983 suit against the four officers, the local police department, the City, and the County. The estate alleged the Officers violated Leonard's Fourth Amendment rights by entering the property without a warrant (a claim not at issue on appeal) and by using excessive force. The district court granted the Officers' motion for summary judgment. The court ruled that the officers were entitled to qualified immunity because a reasonable jury could find that the officers acted reasonably when they shot Leonard. It added that because the officers did not violate the Constitution, the city and county could not be liable. The court also dismissed the police department because it is not a suitable entity.

ISSUE: Were the Officers entitled to immunity from liability after shooting Leonard to death.

ARGUMENT: On appeal, the Estate argued that the District Court erred in granting the Officer's motion for summary judgment. Specifically, the Estate argued that a reasonable jury could find that the officers unreasonably shot and killed Leonard because a genuine dispute of material fact existed about whether Leonard "pointed" the gun at the officers.

THE LAW: Claims of excessive force are analyzed under the Fourth Amendment's standard of objective reasonableness. An officer's use of deadly force is constitutional if it is reasonable under the totality of the circumstances. An officer's use of force must be judged from the perspective of a reasonable officer on the scene "rather than with the 20/20 vision of hindsight. In doing so, a Court must consider several factors, including "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." A Court may also consider "whether the individual was under arrest or suspected of committing a crime; whether the individual was armed; and whether the person was interfering or attempting to interfere with the officer's duties."

SUB-ISSUE #1: The Estate first argued that the District Court erred in granting summary judgment to the Officers because a jury could find that Leonard did not pose a deadly threat. Specifically, the Estate maintained that because Leonard did not verbally threaten to shoot the police officers or physically point the gun at them, the Officers acted unreasonably when they shot and killed Leonard.

FINDINGS: The Court of Appeals found this argument unpersuasive. The Court ruled that even if it were to assume that Leonard never actually pointed the gun at, or verbally threatened to shoot, the officers, a rational jury would find that the officers reasonably perceived an imminent risk of serious bodily harm because, as they approached her, Leonard coupled her warning, “Don't come no closer,” with a grab for the gun in her waistband despite their commands that she not do so. Further, the estate did not dispute that Leonard reached for and grabbed her gun in defiance of the officers' order that she not touch it. According to the Court, Leonard's undisputed acts contrary to the officers' orders that she not touch the gun rendered reasonable their use of deadly force to protect themselves. Finally, the Court declared that “[p]olice officers cannot be expected to wait until a resisting arrestee has a firm grip on a deadly weapon” before protecting themselves with deadly force. Therefore, the Court found it unnecessary to decide whether Leonard “pointed” the gun at them or whether they had to wait for her to do so before they reacted defensively.

SUB-ISSUE #2: Next, the Estate argued the officers' use of deadly force was unjustified because a jury could find that Leonard merely passively resisted arrest. In support of this argument, the Estate noted that “police officers could not use significant force on non-resisting or passively resisting suspects.” The estate then argued that a jury could reasonably “believe that Ms. Leonard was trying to disarm herself” when she grabbed the gun in her waistband, and therefore not resisting arrest.

FINDINGS: The Court of Appeals rejected this argument for two reasons. First, the Court concluded that the undisputed evidence in this case showed that Leonard verbally resisted the officers' approach, she was commanded not to touch the gun in her waist band, and she reached for it anyway. Second, the Court determined that even if a jury could conclude that Leonard subjectively intended to grab the gun in order to discard it and surrender, the jury would still have to conclude that the officers acted reasonably based on what they could objectively observe. The officers were not required to assume a possible intent to surrender in the split seconds after Leonard disobeyed their command not to touch the gun. Because not all apparent surrenders are genuine, “the police are entitled to err on the side of caution when faced with an uncertain or threatening situation.” For the use of significant force after an apparent surrender to be unreasonable, the suspect must be subdued, and the police must establish that the suspect was unarmed. However, in this case Leonard was both armed and not subdued when she reached for the gun in her waist band. Further, she did not say, “I give up” and throw her hands in the air, and only about ten seconds had elapsed between the officers approaching Leonard and when they shot her. Thus, a jury would have to find that the officers reasonably assumed that she was not surrendering.

SUB-ISSUE #3: Finally, the estate contended the officers “created and unnecessarily escalated a situation that led to the use of deadly force.” Therefore, a jury could find that the Officers acted unreasonably by approaching Leonard and forcing to react against the conduct of the Officers.

FINDINGS: In response to this argument of the Estate, the Court of Appeals acknowledged that an officer can violate the Fourth Amendment if he “unreasonably create[s] the encounter” and the suspect is “unable to react in order to avoid presenting a deadly threat” to the officer. However, in this case, the Court noted that the officers walked slowly to Leonard and an Officer politely asked to talk to her. Leonard could have surrendered without touching the gun. Instead, she refused to talk, demanded that the officers stop, and when the officers shouted to her to keep her hand away from the gun, she disobeyed those lawful commands. Therefore, the Court declared that a reasonable jury could not find that the officers forced Leonard to pose a deadly threat to them.

COURT OF APPEALS CONCLUSIONS AND REASONING: The Court of Appeals concluded that because on this record a jury could *only* find that the officers' use of force was reasonable, they did not violate Leonard's Fourth Amendment rights. The Court reasoned that it was undisputed that the officers knew that Leonard was suspected of the serious crime of evading the police, and that they feared she might try to flee again. It was also undisputed that each officer knew that Leonard posed a deadly threat. They knew she possessed a gun, and they reasonably perceived her as threatening to use it. She had been drinking and behaving erratically and told them “Don't come no closer.” But when the officers ordered her not to reach for the gun, she disobeyed them. Under these circumstances, the Court of Appeals declared that the officers reasonably used deadly force defensively against Leonard.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2025 - ALTERNATIVE

Reynolds v. Shelton, No. 24-1363, 2024 WL 4524123, October 18, 2024.

1. An officer's use of deadly force is constitutional if it is reasonable under the totality of the circumstances.
 - a. True.
 - b. False.

2. The Court in this case listed several factors to be considered when analyzing an Officer's use of force. Which one of the following was not one of those factors?
 - a. whether the suspect was under arrest or suspected of committing a crime.
 - b. whether the individual was armed.
 - c. whether the individual had a violent criminal history.
 - c. whether the person was interfering or attempting to interfere with the officer's duties.

3. In this case, the Estate argued that a jury could reasonably have decided that the Officers used excessive force because the People failed to show that Leonard ever directly threatened the Officers or actually pointed her firearm at the Officers. Did the Court of Appeals agree with this argument?
 - a. Yes.
 - b. No.

4. The Estate argued that a jury could have found that the Officers should be held liable for the death of Leonard because by confronting Leonard, they unreasonably created a situation that resulted in the Officers using deadly force. (In other words, if the Officers hadn't approached and surrounded Leonard, she would not have made a grab for her firearm and forced the Officers to shoot her.) The Court responded by noting that Officers can violate the Fourth Amendment by unreasonably creating situations that provoke a suspect to violence.
 - a. True.
 - b. False.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2025 - ALTERNATIVE

Reynolds v. Shelton, No. 24-1363, 2024 WL 4524123, October 18, 2024.

1. An officer's use of deadly force is constitutional if it is reasonable under the totality of the circumstances.
a. True. As this Court held: “Claims of the use of excessive force by police officers are analyzed using the Fourth Amendment's standard of objective reasonableness.” Graham v. Connor, 490 U.S. 386, 388 (1989)).

2. The Court in this case listed several factors to be considered when analyzing an Officer’s use of force. Which one of the following was *not* one of those factors?
c. whether the individual had a violent criminal history.

3. In this case, the Estate argued that a jury could reasonably have decided that the Officers used excessive force because the People failed to show that Leonard ever directly threatened the Officers or actually pointed her firearm at the Officers. Did the Court of Appeals agree with this argument?
b. No. The Court rejected this argument by noting that “[p]olice officers cannot be expected to wait until a resisting arrestee has a firm grip on a deadly weapon” before protecting themselves with deadly force.”

4. The Estate argued that a jury could have found that the Officers should be held liable for the death of Leonard because by confronting Leonard, they unreasonably created a situation that resulted in the Officers using deadly force. (In other words, if the Officers hadn’t approached and surrounded Leonard, she would not have made a grab for her firearm and forced the Officers to shoot her.) The Court responded by noting that Officers can violate the Fourth Amendment by unreasonably creating situations that provoke a suspect to violence.
a. True. The Court held: “An officer can violate the Fourth Amendment if he “unreasonably create[s] the encounter” and the suspect is “unable to react in order to avoid presenting a deadly threat” to the officer. Estate of Starks v. Enyart, 5 F.3d 230, 234 (7th Cir. 1993).